The Cochin Land Conservancy Act (Amendment) Bill

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I beg to move that the Cochin Land Conservancy Act (Amendment) Bill may be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Verumpattamdars Act (Amendment) Bill

Mr. L. M. Pylee *(Latin-Christians-Ernakulam):* Mr. President, Sir, I beg to present that the Select Committee report on the Cochin Verumpattamdars Act (Amendment) Bill. At the early stages of the Bill it was discussed and reported by the Select Committee. The report is now before the House. As reported by the Select Committee no substantial changes have been made in the proposed Bill. Except certain change to suit local phraseologys no substantial changes had been made in the report. I beg to move that the Bill may be taken into consideration.

Mr. P. P. Devassy *(Trichur-South):* I second it.

Mr. K. Narayana Menon *(Mulakunnathukavu):* There is an amendment tabled this morning and I also understand there are others coming to-morrow. All of these may be taken up to-gether.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I oppose the motion.

Mr. M. Sivarama Menon *(Advocate-General):* Government oppose not only the Bill but also the motion for adjournment. Because the question of adjournment has to be considered first, I oppose that motion.

The Motion put and lost

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I oppose the motion made by the Mover of this Bill for the Bill being taken into consideration as reported upon by the Select Committee. The House is fully aware of the implications of this Bill because this has become a very old story. These points began to be agitated even at the time when the original Bill was introduced. The Select Committee which was appointed to consider the Bill negatived the idea of granting fixity of tenure to garden lands and parambas in Municipal areas, on the main argument that there is the unearned increment attached to those lands which are mostly useable for industrial purposes and house sites and therefore there is absolutely no justification from the point of view of agriculture to grant fixity of tenure to these garden lands. I have only to point out to this House one aspect which was not presented on previous occasions. If fixity of tenure is granted to garden lands in towns one of the most serious ways in which the landlord can be prejudiced is this. Now these leases must have been granted some 30 or 40 years back at a time when the rental capacity of these lands was low, *i.e.*, when the properties could not have been put to any better use. Along with the economic progress of the country as a whole and especially with the growth of the Municipalities and the procurement of amenities provided by Municipalities with taxes collected from the local rate payers the value of these properties have risen. If a person who owns an acre of garden land in a town wants to sell away his property he will not be in a position to dispose of the property because the persons who want to purchase will only capitalise the rent that is derived from the property by 20 or 25 times. While as a matter of fact the cent value of house site, and garden lands has risen, so far the land owners are concerned what would be the result? He will get only 20 or 25 times the capitalised value of the rent. If the tenant has made improvements either by reclaiming or by planting trees he is entitled to the value of all those improvements under the Tenancy Act. Whatever he has spent he is entitled to be reimpursed. There is no prejudice to the tenants of garden lands in towns. He can transfer his heritable interest under the provisions of the Tenancy Act. He can easily dispose it off in the open market and derive huge prices. On the other hand the landlord will get only a pittance. Under the Tenancy Act the rent once fixed is made invariable. With regard to the properties in areas other than towns it is a fact that the question of unearned increment is not appreciable. It will be an exproprietary measure if the House is going to grant fixity of tenure to garden lands in Municipal Towns. The Select Committee on the original Verumpattam Bill considered the question in all its aspects and did not feel convinced that fixity—should be given for verumpattam holdings in Municipal areas. The limitations now sought to be imposed do not materially affect the question in issue. The principle involved in this amending Bill is very serious and it prejudices the landlord to an inordinate extent. Government are therefore constrained to oppose this Bill. I therefore request that the House may be pleased to take all these facts into consideration and oppose this Bill.

Mr. Ashtamurthi Nambudiripad *(Land-holders):* I rise to oppose this Bill.

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